

1  
2  
3  
4  
5  
6 **UNITED STATES DISTRICT COURT**  
7 **WESTERN DISTRICT OF WASHINGTON**  
8 **AT SEATTLE**

8 SARA G. BIRRU,

9 Plaintiff,

10 v.

11 UNITED STATES POSTAL SERVICE,  
12 SUNG K. CHONG and JANE DOE CHONG,  
13 agents of the U.S. Postal Service, individually  
and their marital community,

14 Defendants.

CASE NO. 2:22-cv-00414

**COMPLAINT FOR DAMAGES  
UNDER THE FEDERAL TORT  
CLAIMS ACT**

15 COMES NOW the Plaintiff, by counsel, and for a cause of action against the defendants  
16 alleges as follows:

17 **I.**  
**INTRODUCTION**

- 18 1. This action is brought pursuant to Federal Tort Claims Act, (28 U.S.C. § 2671- *et seq*)  
19 and 28 U.S.C. § 1346(b)(1) for negligence in connection with the motor vehicle  
20 accident on April 19, 2019.
- 21 2. The claims herein are brought against the Defendants pursuant to the Federal Tort  
22 Claims Act, (U.S.C. 28 § 2671- *et seq*) and 28 U.S.C. § 1346(b)(1), for money  
23 damages as compensation for personal injuries caused by the Defendant Sung  
24 Chong's negligence.



1 Washington. Plaintiff sues Defendant Jane Doe Chong under a fictitious name and  
2 will substitute her true name when the same is ascertained.

3 **III.**  
4 **JURISDICTION AND VENUE**

5 10. Jurisdiction is proper under 28 U.S.C. § 1346(b)(1).

6 11. On April 15, 2021, the Plaintiff timely filed an administrative claim pursuant to the  
7 Federal Tort Claims Act with the USPS. Six months having elapsed since the date  
8 of filing of the administrative claim, this action is timely filed pursuant to 28 U.S.C.  
9 § 2401(b).

10 12. Venue is proper under 28 U.S.C. § 1402(b) in that all, or a substantial part of the  
11 acts and omissions forming the basis of these claims occurred in the Western  
12 District of Washington.

13 13. Venue is also proper in this District pursuant to 28 U.S.C. § 1391(e).

14 **IV.**  
15 **FACTS**

16 14. On April 19, 2019, Defendant Sung Chong was driving his vehicle northbound on  
17 Highway 99 towards the intersection of Highway 99 and 176<sup>th</sup> Street SW, in  
18 Lynnwood, Washington.

19 15. Defendant Sung Chong was driving a 2000 Utilimaster Postal Truck in the outside  
20 Lane on Highway 99.

21 16. The intersection of Highway 99 and 176<sup>th</sup> Street SW is controlled by traffic lights.

22 17. The traffic light at the intersection of Highway 99 and 176<sup>th</sup> Street SW was solid  
23 red for Defendant Sung Chong.

24 18. Defendant Sung Chong continued driving despite a red traffic light at the  
intersection of Highway 99 and 176<sup>th</sup> Street SW.

1 19. The Plaintiff was driving eastbound on 176<sup>th</sup> Street SW straight through the  
2 intersection.

3 20. The traffic light was a solid green for the Plaintiff.

4 21. Defendant Sung Chong struck the Plaintiff's vehicle.

5 22. Defendant Sung Chong was cited for inattention to driving.

6 23. The Plaintiff was not cited.

7 24. The Plaintiff is not at fault for this collision.

8 25. Defendant Sung Chong admitted at the scene of the collision that he was fully at  
9 fault for causing the collision.

10 26. Defendant Sung Chong is 100% liable for the collision.

11 27. The Plaintiff sustained personal injuries as a result of the collision.

12 28. The above-referenced acts of Defendant Sung Chong were negligent in that they  
13 violated the rules of the road, including but not limited to, failure to keep a proper  
14 look out, and failure to avoid causing a collision. Defendant Sung Chong's actions  
15 were below the standard of care required by the laws of the State of Washington.

16 29. Defendant Sung Chong was driving a 2000 Utilimaster Postal Truck owned or  
17 leased by Defendant United States Postal Service.

18 30. At all times relevant to this Complaint, Defendant Sung Chong was an employee of  
19 Defendant United States Postal Service.

20 31. Defendant Sung Chong was acting within the scope and course of his employment  
21 during the collision.

22 32. Defendant Sung Chong was an agent of Defendant United States Postal Service at  
23 the time of the collision.  
24

1 33. Defendant United States Postal Service is 100% liable under the doctrine of  
2 respondent superior and agency law because the collision occurred due to the  
3 negligence of Defendant Sung Chong.

4 34. Defendant United States Postal Service is 100% liable for the negligence of hiring  
5 an unsafe driver.

6 35. As a result of Defendant Sung Chong's negligence, the Plaintiff was injured,  
7 suffered physical disability and pain, medical expenses, loss of earnings and earning  
8 capacity, and other damages.

9  
10 **V.  
CAUSES OF ACTION**

11 **COUNT I - NEGLIGENCE**

12 36. The Plaintiff realleges each and every allegation in the proceeding paragraphs as  
13 though fully set forth here.

14 37. Defendant Sung Chong breached his duty to the Plaintiff when he caused a  
15 collision.

16 38. As a result of Defendant Sung Chong's tortious conduct, the Plaintiff sustained  
17 personal injurie; she has incurred medical expenses and other damages.

18 39. Defendant United States Postal Service breached its duty to the Plaintiff.

19 40. At all times relevant to this Complaint, Defendant United States Postal Service had  
20 a duty to hire competent operators, drivers, administrators, employees, agents, and  
21 staff in order to meet its standard of care owed to the Plaintiff.

22 41. Defendant United States Postal Service knew, or should have known, that  
23 Defendant Sung Chong was not properly trained, and/or supervised in a manner  
24 necessary to provide a level of care for the Plaintiff that meet all applicable legal

requirements; that demonstrated the standard and degree of care and skill required of competent drivers; and was consistent with the expertise that Defendant United States Postal Service presented to the community at large.

42. Defendant United States Postal Service breached its duty by negligently hiring incompetent, inexperienced and/or unqualified driver.

43. Defendant United States Postal Service had a duty to retain only competent and adequately trained drivers in order to meet its standards of quality of care to the Plaintiff.

44. Defendant United States Postal Service breached its duty by negligently retaining incompetent, inexperienced, unqualified and/or inadequately trained driver.

45. As a direct result of Defendant United States Postal Service's negligence, the Plaintiff sustained personal injury; she has incurred medical expenses and other damages, she will continue to incur medical expenses, and other damages in the future; she was forced to endure pain, suffering, and mental anguish, and she will continue to endure pain, suffering, and mental anguish in the future; she has suffered a loss of enjoyment of life, and will continue to suffer loss of enjoyment of life in the future.

46. The acts and/or omissions set forth above would constitute a claim under the law of the State of Washington.

47. Defendant United States Postal Service is liable pursuant to 28 U.S.C. § 1346(b)(1).

**COUNT II - VICARIOUS LIABILITY, RESPONDENT SUPERIOR,  
OSTENSIBLE AGENCY AND/OR AGENCY**

48. The Plaintiff realleges each and every allegation in the proceeding paragraphs as though fully set forth here.

1 49. At all times relevant to this Complaint, Defendant Sung Chong was employed by  
2 and or acting on behalf of Defendant United States Postal Service.

3 50. At all times relevant to this Complaint, the directors, officers, operators,  
4 administrators, employees, agents, and staffs of Defendant United States Postal  
5 Service were employed and or acting on behalf of Defendant.

6 51. The directors, officers, operators, administrators, employees, agents, and staffs of  
7 Defendant United States Postal Service, including Defendant Sung Chong acted  
8 within their respective capacity and scopes of employment.

9 52. The directors, officers, operators, administrators, employees, agents, and staffs of  
10 Defendant United States Postal Service, including Defendant Sung Chong  
11 negligently and/or recklessly, directly, and proximately caused personal injury to  
12 the Plaintiff.

13 53. As the Direct and proximate result of Defendant United States Postal Service and  
14 Defendant Sung Chong's negligence the Plaintiff sustained personal injuries: she  
15 has incurred medical expenses, and other damages, and will continue to incur  
16 medical expenses, and other damages in the future; she was forced to endure pain,  
17 suffering and mental anguish, and will continue to endure pain, suffering, and  
18 mental anguish in the future; she has suffered a loss of enjoyment of life, and will  
19 continue to suffer loss of enjoyment of life in the future.

20 54. The acts and/or omissions set forth above would constitute a claim under the law of  
21 the State of Washington.

22 55. Defendant United States Postal Service is liable pursuant to 28 U.S.C. § 1346(b)(1).

23 **VI.**  
24 **PRAYER FOR RELIEF**

